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NO. 120 F. 2



March 2, 2004

ENTERED
Office of Proceedings

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

MAR 20 2004

Part of
Public Record

Re: Surface Transportation Board Docket No. AB-6 (Sub No. 403X); The Burlington Northern and Santa Fe Railway Company. Abandonment in Wichita, Kansas and between Wichita and Valley Center, in Sedgwick County, Kansas.

Dear Secretary Williams:

On April 22, 2003, the Surface Transportation Board issued a decision in the above-referenced proceeding imposing a notice of interim trail use/rail banking "NITU" condition. The Board imposed a deadline of October 19, 2003 on the NITU, and subsequently issued an extension until April 16, 2004 per request of the Burlington Northern and Santa Fe Railway Company to continue negotiations with the City of Wichita.

Due to ongoing negotiations with the Burlington Northern and Santa Fe Railway Company, the City of Wichita is requesting an extension of the NITU for an additional 180 days (until October 13, 2004) for a 9.78-mile segment of the right of way extending from milepost 494.22 at the Butler County/Sedgwick County line, to milepost 504.00 near Hydraulic Street, in downtown Wichita.

The City of Wichita is in the process of initiating a public involvement program to inform the public on the railbanking and trail development process, and continues to negotiate in good faith with the Burlington Northern and Santa Fe Railway Company for interim trail use of that part of the rail line identified above. For this reason, the City of Wichita is requesting a 180-day extension of the negotiating period.

Respectfully submitted,

Catherine Holdeman
Interim City Manager

cc: Gary Rebenstorf, Director of Law, City of Wichita
Sarah Whitley Bailiff, Senior General Attorney, BNSF
Richard Batie, Manager, Shortline Development

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